



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II  
26 FEDERAL PLAZA  
NEW YORK, NEW YORK 10278

204758



OCT 16

Mr. John L. Laskey  
Law Clerk  
Hannoch, Weisman, Stern, Besser,  
Berkowitz & Kinney, P.C.  
744 Broad Street  
Newark, New Jersey 07102

*Provided copies of all  
information during  
visit to office, see  
Hannoch, dated 10/26/84*

*JLC*

Re: Freedom of Information Request  
With Respect to Kin-Buc Landfill  
Control No.: (2) RIN-5915-84

Dear Mr. Laskey:

EPA is in receipt of your Freedom of Information Request dated October 2, 1984, received by Mr. Henry Gluckstern, Assistant Regional Counsel, the Agency official responding to your request, on October 11, 1984, concerning (1) records in the possession of EPA Region II containing information identifying generators, transporters, and operators connected with the Kin-Buc Landfill and (2) documents indicating what was produced by each generator of waste disposed of at the Kin-Buc Landfill.

In connection with your FOIA request, on October 12, 1984 you and Mr. Gluckstern discussed by telephone the status of some five clients of your firm as potentially responsible parties identified by EPA in notice letters which have been transmitted in connection with the Kin-Buc Landfill to date. Mr. Gluckstern informed you that Mr. John Czapor, the Regional scientist assisting him in the various Kin-Buc matters, is available to arrange for the copying and mailing to you of Scientific, Inc. or Kin-Buc, Inc. invoices showing your clients' utilization of the Kin-Buc Landfill for waste disposal for time periods prior to September 1, 1975. Mr. Gluckstern also informed you of how you could obtain information for disposal periods subsequent to September 1, 1975. By copy of this letter to Mr. Czapor, I am instructing him to fill your request. Should you have any questions or require immediate telephonic information, Mr. Czapor may be contacted at 212-264-1573. Copies will be billed at our standard charges unless the amount of copying charges is so small as to qualify for an automatic waiver of fees under the FOIA regulations.

Invoices bearing on any involvement of your clients at the Kin-Buc facility arising from their utilization of disposal services of SCA or the Gaess/Earthline companies will have to be obtained through counsel for SCA. Because of the recent SCA corporate takeover, Richard Covell, Esq., 617-367-8300, may be an alternate source of information to Mr. Jones (SCA's outside counsel) on how to go about obtaining such documents pertaining to your clients. EPA does not have possession of those invoice documents.

With respect to the documents which EPA has herein agreed to release to your firm, I wish to add that in light of presently unresolved Kin-Buc-related claims which EPA may have against your clients, this Agency does not believe that it is obligated under the Freedom of Information Act, at this time, to release to your client the information which I have above agreed to release nevertheless.

With respect to the second portion of your request, as Mr. Gluckstern explained orally on October 12, EPA has determined that such documents are not available to you or your clients at this time pursuant to the Freedom of Information Act as codified with respect to EPA at 40 C.F.R. §§2.113(a)(2), 2.113(a)(5), and 2.118(a)(7). Release of documents falling within the protection of 40 C.F.R. §2.118(a)(7) for the purposes you have indicated would interfere with ongoing enforcement proceedings of this Agency; no public interest would be served by their disclosure to you. Therefore, the second part of your request is denied.

Pursuant to 40 C.F.R. §2.113(f), the denial of part of your request, as more fully delineated above, may be appealed by sending a written appeal to the address indicated in 40 C.F.R. §2.106(a) within 30 days of receipt of this determination.

Sincerely yours,



Christopher J. Daggett  
Regional Administrator

cc: ✓ John Czapor (2 ERRD-HW)

Office of External Programs (2 OEP)  
EPA Region II

Freedom of Information Officer (A-101)